

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA, )  
                              )  
Plaintiff,                )  
                              ) Cause No.  
vs.                        ) 3:23-cr-30076-SPM-1  
                              ) East St. Louis, IL  
NIRAV B. PATEL,            ) May 29, 2025  
                              ) 10:36 a.m.  
Defendant.                )

Before the  
HONORABLE JUDGE STEPHEN P. MCGYLNN

**TRANSCRIPT OF SENTENCING HEARING**

FOR PLAINTIFF: Mr. Peter T. Reed  
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(Proceedings taken by machine shorthand; transcript  
produced by computer-aided transcription)

1 || (In open court.)

8 MR. REED: Good morning, Judge. Peter  
9 Reed and Stephen Weinhoeft for the Government.

10 THE COURT: Good morning.

13 THE COURT: Good morning, gentlemen.

14 MS. FRETER: Good morning, Your Honor.

15 Kim Freter for Mr. Patel, who is also present along  
16 with the interpreter who we'll have swore in.

17                           THE COURT: Swear in the interpreter,  
18                           please.

19 (Interpreter sworn.)

20                           THE COURT: All right. I see Mr. Patel  
21 has his hand up.

22                   Mr. Patel, I'll give you a chance to  
23 address me in a moment.

24                    Does the Government intend to call any  
25                    witnesses or offer any further evidence in addition

1 to the victim impact statements that I received  
2 from some of the victims?

3 MR. REED: No, Judge. The victims have  
4 been informed of their right to be here. They wish  
5 they could but are not able to, so we will not be  
6 calling any witnesses or presenting any additional  
7 evidence.

8 THE COURT: All right. Does the defense  
9 intend to call any witnesses or offer any evidence?

10 MS. FRETER: Only Mr. Patel, Your Honor.

11 THE COURT: He wishes to address the  
12 Court?

13 MS. FRETER: Yes, Your Honor.

14 THE COURT: All right. Any objection to  
15 the pretrial investigative report?

16 MR. REED: No, Judge.

17 MS. FRETER: Your Honor, I did not file  
18 any written objections. Mr. Patel has now twice  
19 declined to go over the PSR with me. When I review  
20 the PSR, I don't find anything objectionable, but I  
21 do not have his thoughts and opinions on that, so I  
22 wanted to let the Court know.

23 THE COURT: All right. The Court will  
24 adopt the presentence investigative report as  
25 written. The defendant was found guilty on five

1 counts after trial by jury.

2                   Defendant was convicted in Count 1 of  
3 conspiracy to commit wire fraud, which has a  
4 statutory penalty of not more than 20 years in  
5 prison and a fine of up to \$250,000.

6                   Counts 2, 3, 4, the wire fraud counts,  
7 also have a penalty of not more than 20 years'  
8 imprisonment and a fine of up to \$250,000.

9                   Count 5, the illegal entry count, the  
10 defendant can be sentenced to no more than 6  
11 months' imprisonment and fined no more than \$5,000.

12                  The guidelines, as calculated by  
13 probation, suggest the guideline range with respect  
14 to Counts 1 through 4 is 87 months to 108 months.

15                  Does the Government agree with that  
16 calculation?

17                  MR. REED: Yes, Judge.

18                  THE COURT: Does defense agree with that  
19 calculation?

20                  MS. FRETER: Yes, Your Honor.

21                  THE COURT: All right. And then with  
22 respect to the Count 5, there are no applicable  
23 guideline range. It just allows the Court to  
24 consider the nature of the offense and can sentence  
25 a maximum of six months' imprisonment, and that can

1       be either consecutive to or concurrent with the  
2       sentences imposed by the Court on Counts 1 through  
3       4.

4                  Does the Government agree with that?

5                  MR. REED: Yes, Judge.

6                  THE COURT: Does defense agree with that?

7                  MS. FRETER: Yes, Your Honor.

8                  THE COURT: Okay. In addition to  
9       considering the advisory guidelines, I'm also to  
10      consider other sentencing factors under Section  
11      3553(a). I'm directed to impose a sentence that is  
12      sufficient, but not greater than necessary, to  
13      comply with the purposes of our sentencing goals  
14      and criminal justice system.

15                 I'm asked to consider the need for the  
16      sentence to reflect the seriousness of the crime,  
17      to promote respect for the law, to provide just  
18      punishment for the offense. The sentence should  
19      deter criminal conduct, protect the public from  
20      future crimes by this defendant, promote his  
21      rehabilitation. I must also consider the nature  
22      and circumstances of the offense, the history and  
23      characteristics of Mr. Patel, the need to avoid  
24      unwarranted sentence disparities among  
25      similarly-situated defendants and the types of

1           sentences that are available.

2                 At the time of sentencing, I follow a  
3 procedure in where I allow the defendant to address  
4 the Court, I then allow his lawyer to make  
5 argument, I then will allow the Government to make  
6 argument, and I will give the defense the last  
7 word.

8                 But before we get to -- before we get to  
9 that, I did want to acknowledge that I had received  
10 from Mr. Patel while he was incarcerated a letter  
11 dated April the 23rd -- I'm sorry, a letter that we  
12 received April 23rd of this year, a one-page letter  
13 dated February 14, 2025. It is a handwritten  
14 letter. It is written in the English language, and  
15 it's signed by Mr. Patel. I have read that. The  
16 writing is cursive. Additionally, I received a  
17 four-page printed letter purportedly to be from  
18 Mr. Patel, and I have reviewed that. There is,  
19 finally, a two-page letter signed by Mr. Patel that  
20 I received at that same time. This is in cursive  
21 writing, and it is in English, so I have reviewed  
22 that.

23                 I've also received a victim impact  
24 statement relating to the victim V.B. that reads as  
25 follows:

1           It's hard to put into words what my mother  
2 has gone through as a victim of this scam. She  
3 honestly believed that she owed money from some  
4 sort of mistake and was working with officials to  
5 correct the problem. When she found out how she  
6 had been taken, she lost trust in institutions that  
7 are supposed to protect us. She also was afraid to  
8 answer her phone, check her email or answer the  
9 door. In short, she was afraid to be alone and had  
10 lost confidence in her ability to make decisions  
11 for herself.

12           Since then, I have -- since then, I have  
13 had to move my mother to a new residence, somewhere  
14 she feels safe. We have canceled her phone,  
15 changed her email accounts and canceled any credit  
16 card that they may have accessed. We have switched  
17 banks, put safeguards on all her accounts and  
18 frozen her credit to ensure her economic survival.

19           For me -- and this is written by V.B.'s  
20 daughter -- this has been a great deal of time  
21 spent handling problems. Times that would have  
22 gone otherwise into a day out with my mother has  
23 been spent on trying to safeguard her, reassure her  
24 and manage problems that keep popping up as a  
25 result of this scam.

1                   The damage done was more than just a loss  
2 of money. My mother went from a happy, confident,  
3 retired professional to someone who was willing --  
4 I'm sorry, someone who was unwilling and unable to  
5 make a decision. She lost her willingness to  
6 travel, explore and enjoy life. I miss her spirit.  
7 I know she is unable to reclaim it.

8                   A letter from V.L. reads:

9                   My life has been turned upside-down by the  
10 experience of this case. As a nurse, my life was  
11 based on trust, truthfulness and service to others.  
12 Now I'm left feeling betrayed by it all. I found  
13 myself distrustful of others, avoiding social  
14 contact of all kind. My free time was spent doing  
15 artwork, painting canvasses, decorative art and  
16 painting of murals. I no longer feel motivated to  
17 do these activities. Financially living in near  
18 poverty, very limited ability to afford more than  
19 necessities, not the life I worked to build and  
20 maintain. I must admit I feel rage and anger for  
21 those who chose to strip away the lives of others  
22 through their greed.

23                   Victim V.B. lost and restitution will be  
24 ordered for V.B. in the amount of \$101,900; victim  
25 K.E. suffered a loss of \$29,000; and Victim V.L.

1 suffered a loss of \$308,016.66; and the amounts  
2 that K.E. and V.L. lost will also be ordered as  
3 restitution.

4 All right. Mr. Patel, as I explained to  
5 you previously, this is your opportunity to tell me  
6 what it is you want me to know as I consider what  
7 are the appropriate sentence to impose, a sentence  
8 sufficient, but not greater than necessary, to  
9 accomplish the goals of sentencing.

10 THE DEFENDANT: This is my newspaper  
11 article in India, 2007. In that also with honesty  
12 and hard working. That's what my philosophy of  
13 life is. And that is written on the dollars only.

14 And second thing, I wrote a letter to the  
15 Prime Minister of India. I will return letter to  
16 my embassy, United, Washington, D.C., White House,  
17 news message from American media, CNN news media,  
18 and the Indian media. And all those places, what  
19 they were -- catch them, whatever I could do, I  
20 have done my efforts to catch them. The person is  
21 sitting in India, he's the son of a politician and  
22 that the -- my Prime Minister and that political  
23 group that person is.

24 THE INTERPRETER: Okay. Yeah. Because  
25 Judge needs to listen to what I am telling, okay?

1                   THE DEFENDANT: Whatever I could do, I've  
2 done all my efforts to catch them because I want to  
3 give full justice to these ladies, and I want to  
4 return the money to those ladies.

5                   The guy who is sitting in Atlanta, my  
6 cousin, he's not picking up my phone itself. They  
7 killed my mother. My children's future has been  
8 ruined by them. I am also a family person, and I  
9 understand that, and I promise that, and -- and --  
10 and, if they can be caught, if any honest officer  
11 is there then; and if nothing -- if nothing  
12 happens, then I'm ready to sell my body, and I want  
13 to give money to -- return the money back to them.

14                  But I can give them the confidence that I  
15 do not belong to this gang, and I am not a member  
16 of them; and in this laws and the constitutional  
17 provisions, I am ready to do whatever -- even if I  
18 get killed or I die, I'm ready to do that.  
19 Everything has been finished for my life. My house  
20 is ruined. So whatever you ask me to do, I am  
21 ready to follow your instructions.

22                  And -- and -- and -- and I called the  
23 Indian Embassy and I give all the details, and you  
24 can ask the Indian Embassy what I told them, all  
25 the details; and whatever you instruct me, I'm

1 ready to do that. I am going to give my life, but  
2 I won't leave them alone. So for \$400 my life has  
3 been finished.

4 I would sell off my body and give money  
5 back to them, and you've got all the evidence there  
6 is, all the papers. You got all the evidence. I  
7 just need one -- I need one, one honest officer;  
8 and I'll return the letter to the FBI chief  
9 general. He is a person I wrote to help me, sir.

10 Whatever is your decision and the justice,  
11 I'm ready to accept it. My -- from my side, my  
12 defense lawyer never told them that this man is  
13 ready to help them to catch those people. There is  
14 no -- not a single evidence has been given to the  
15 jury from my side. My father is 80 years old, and  
16 is on -- today he is giving free services to  
17 elderly homes. My father is a rickshaw driver, and  
18 he's giving free services to the old people. There  
19 is no bad reputation about me in India. There is  
20 not a single traffic ticket I have been given. I  
21 have driven 9 million miles in India, and there is  
22 not a single crime committed there. I'm ready to  
23 sacrifice my life, but I won't live any one of  
24 them. I need one help, just one honest officer.  
25 I'm not making any jokes, sir. My mother died ten

1       months back until I'm not able to talk to my  
2       family. My wife's phone has been turned off.

3                     THE COURT: All right. Thank you.

4                     THE DEFENDANT: I have been trapped into  
5       these people -- by these people. I'm giving  
6       promise to this country. Whatever it will be for,  
7       I will do for this country.

8                     THE COURT: All right. Thank you.

9                     Counsel, argument?

10          MS. FRETER: I'm -- this is one of those  
11       cases I seem to have in front of you a fair amount  
12       where I'm relieved that it's the Court's decision,  
13       not mine, to decide on an appropriate sentence.  
14       This Court has spent a lot of time with Mr. Patel  
15       both pretrial, during the trial, and I think is  
16       well versed and well aware of what Mr. Patel's  
17       circumstances are. He was on the stand, I think,  
18       for at least three hours, maybe more.

19          And in terms of 3553(a) factors, the Court  
20       is aware that Mr. Patel has been locked up for two  
21       years not speaking the language. The letters that  
22       the Court has received, it's my opinion, and based  
23       on conversation, that other detainees have helped  
24       or assisted Mr. Patel with those, that those aren't  
25       his exact words. He speaks with a lot of

1 hyperbole, and that's not contained necessarily in  
2 those letters, there's different handwriting. His  
3 English has improved in those two years, but it's  
4 still very limited in that when we have  
5 conversations -- folks who speak two languages  
6 sometimes will start answering me back before the  
7 interpreter. Mr. Patel rarely, if ever, does that.

8 So I believe that he's tried to express to  
9 the Court again today that he feels very badly for  
10 these ladies. He said that he will give up his  
11 body and organ donation to pay the restitution.  
12 He's consistently offered to meet with the  
13 Government or sit down with the Government.  
14 Unfortunately, as time has gone on, his information  
15 that he would have isn't helpful, and there's not  
16 within the -- within the rubric of sentencing and  
17 the benefit from that, Mr. Patel has to accept  
18 responsibility. We had a trial and the Court has  
19 listened to him testify and knows where that's at.

20 I think that the Government would agree,  
21 and they can speak for themselves, Mr. Patel didn't  
22 financially benefit from this. The money went  
23 somewhere else. He was living very modestly and  
24 working. He didn't have a fancy car or a fancy  
25 residence. There's no indication that he was

1 laundering Bitcoin or hundreds of thousands of  
2 dollars through his U.S. accounts and that he was  
3 not an organizer, leader of this scheme.

4 The Government's sentencing memo lays out  
5 good arguments for both general and specific  
6 deterrence. These kinds of scams are horrific.  
7 They're horrific generally; but they are also  
8 horrific when perpetrated by folks outside of the  
9 United States because it makes it incredibly  
10 unlikely that we're able to recover any restitution  
11 at all, and that -- just the vast scale of it, that  
12 there is a need for general deterrence as part of a  
13 sentencing consideration in that non-U.S. residents  
14 should not be imported, essentially, to carry out  
15 fraudulent schemes and that there has to be a  
16 deterrent generally to say to people back in India,  
17 or elsewhere, don't come to the United States to do  
18 this because you will end up with a prison  
19 sentence.

20 I don't know what, though, in our national  
21 conversation and as it relates to Mr. Patel, I  
22 don't know what that number is. As page 13 of the  
23 PSR points out, to keep Mr. Patel incarcerated in  
24 the Bureau of Prisons according to the AO estimate  
25 will cost approximately \$51,711 a year. So that's

1       \$600,000 for, what is it, for 12 years which is, I  
2 think, what the Government is asking, which is more  
3 than the total amount of restitution in this case.

4           When part of the goal of sentencing is  
5 rehabilitation, reintegration into the community,  
6 which are good and lofty goals of incarceration,  
7 Mr. Patel is likely, upon his release, to be  
8 deported, and so he could contribute based on  
9 rehabilitation to the world, but he's not going to  
10 be contributing that rehabilitation to the United  
11 States at the cost of \$57,000 per year. I don't  
12 know -- what the Court gets to do -- what the  
13 balance is between the cost of incarceration, the  
14 cost of keeping him here year after year after year  
15 versus deportation. The current national  
16 conversation seems to be deportation is preferable  
17 than keeping people in this country, seems to be  
18 part of the, sort of, national conversation that's  
19 gone on since change of administration in January.  
20 Mr. Patel has been cut off from his family and has  
21 suffered great distress as this Court has seen, so  
22 he's been incarcerated for two years. I don't know  
23 a number for how much more that would be.

24           The Government is asking for sentence that  
25 is significantly higher than the guidelines. The

1 guidelines are high as they are anyway because  
2 special sentencing factors, such as, vulnerable  
3 victims, the huge amount of loss have been baked in  
4 to the guideline calculation. If the victims were  
5 differently situated, if they didn't suffer  
6 significant financial hardship, all those kind of  
7 things, the guidelines would be lower, and the  
8 Court would be looking at a less range. So to  
9 advocate that this sentence should be so far above  
10 the guidelines based on the idea of general  
11 deterrence, as it relates to Mr. Patel, who is not  
12 an organizer, leader, or in charge and did not  
13 substantially benefit financially from this, seems  
14 excessive.

15                   Mr. Patel would like to go home, and he  
16 was unable to, though, plead guilty and say that he  
17 committed a crime, and I think that he sincerely  
18 believes that he was a courier and that he did not  
19 intend to defraud these ladies out of all of this  
20 money, but this is one of those knew or should have  
21 known, sort of, cases that based on all the  
22 circumstances, that the types of folks that were  
23 giving him money and the circumstances and,  
24 certainly after the stop in Wisconsin, that that  
25 maybe should have been enough.

1                   So we leave it to the Court to have mercy  
2 and consider all of the factors and the need for  
3 both specific and general deterrence. Mr. Patel  
4 isn't going to do this again. He suffered enough.  
5 So I think the specific deterrence is satisfied by  
6 the two years that he's been incarcerated in the  
7 county jail. Thank you.

8                   THE COURT: Thank you.

9                   MR. REED: I'll step up here so the  
10 interpreter can hear me.

11                  Judge, as defense counsel said, the  
12 Government is asking for a sentence of 144 months,  
13 which is 33 percent above the high end of the  
14 guidelines and comparable to what has been imposed  
15 in similar sentences both in this district and  
16 nationwide, and just three points under the 3553(a)  
17 factors in support of that.

18                  First, Mr. Patel chose a side, and he  
19 chose the side of the fraudsters and criminals, and  
20 the fraudsters and criminals who prey on some of  
21 the most vulnerable people in our society. It's  
22 not an exaggeration to say that this case is about  
23 two Americas, right? The defendant chose a side  
24 when he came to the United States illegally. From  
25 there, he made his way to Atlanta to meet up with

1 his cousin and his coconspirator Danny, and then  
2 moved to Chicago because that's where he could get  
3 a driver's license so he could start committing the  
4 fraud; and even at that early point -- there's  
5 really two possibilities.

6 Option one is that Patel came to the U.S.,  
7 and he went to his cousin Danny because he  
8 specifically came here to commit this fraud, and  
9 there's some indicators of that here. He's a  
10 family member, he's entrusted by these criminals  
11 with large sums of money. Sometimes these runners,  
12 they work in pairs because of a lack of trust,  
13 hundreds of thousands of dollars at issue here, but  
14 Mr. Patel was trusted to work alone. He's not  
15 badgered even when he has hundreds of thousands of  
16 dollars sitting in his back seat because he is a  
17 family member and a trusted coconspirator.

18 The second option, even at this early  
19 point, is the story Patel told the agents, that at  
20 the very beginning he told his cousin Danny he  
21 wouldn't do this kind of work because he knew it  
22 was wrong. Even early on, "I won't do this kind of  
23 wrong. I do anything else. I won't do that  
24 package work because I know it's wrong."

25 Either way he knew what he was doing was

1 wrong from the very beginning. He chose the side  
2 again when he began taking money from the victim,  
3 and we heard from the victim. We know what he saw.  
4 He saw elderly women. He saw that they had to come  
5 to him. It smelled bad in a hundred different  
6 ways. There's an elderly lady at an assisted  
7 living facility using a walker on oxygen carrying a  
8 box of gold bars. There isn't a language issue.  
9 It looks like crime anywhere. That's what it looks  
10 like, but he chose to keep doing that.

11 He drove hundreds of miles to keep doing  
12 it. He had them come to him. He parked out in the  
13 street after dark. He's scared. Multiple victims  
14 testified about how he would turn his head so they  
15 couldn't see his face. The victim in Wisconsin  
16 talked about how she couldn't find the car because  
17 it was parked across the street, down the street,  
18 and the lights weren't on because he didn't want to  
19 be caught. She had to call the coconspirator and  
20 say, "I can't find the car," and only then did he  
21 flash the lights so she could even find the car.  
22 These are abundant signs of a guilty conscious from  
23 the very start.

24 And then Mr. Patel chose a side when he  
25 was stopped in Wisconsin and questioned by

1 officers. If there's a come to Jesus moment in  
2 this chain of events, it's that time. Officers ask  
3 him, "Why are you here?" And the answer is, "I  
4 came here to play music." That was a lie. When  
5 they pushed past that story, "Who sent you here to  
6 take the box from this woman?" "Well, I don't  
7 know. I just heard from them the last day or two."  
8 That was a lie. It was his own cousin, Danny, the  
9 one he had been living with. It was his friend  
10 Abhishek back in India. Those were the people that  
11 sent him there. He knew that, and he knew at that  
12 point that they were victimizing these women. He  
13 chose not to tell the officers that. He chose not  
14 to tell them that he had been to that same house a  
15 week before. He didn't tell them about the victim  
16 in Indiana. He made a choice, he chose a side, and  
17 he chose the side of the fraudsters.

18 Now, after Wisconsin, just four months  
19 before he starts doing it again, he's laying low.  
20 Where is he? Is he at the address in Illinois that  
21 he gave to the officers in Wisconsin? No. He ran  
22 right back to his fellow criminals in Atlanta and  
23 is staying there.

24 And briefly, right here, I'd like to  
25 address a couple points about financial benefit.

1 Sure, Patel wasn't the one with hundreds of  
2 thousands of dollars in his pocket, but he did  
3 financially benefit. He took a cut, he took his  
4 own cut out of the boxes, and the fact that he took  
5 his cut out of box that these women were giving him  
6 shows him he knew exactly what was going on. This  
7 isn't moving a package. You don't take a cut --  
8 you know, if I order ten widgets from Amazon, I  
9 don't take two of them out as payment to deliver  
10 it. He knew exactly what was going on, and he took  
11 his cut.

12 And his financial benefit went well past  
13 that, right? He's new in the country. He gets a  
14 driver's license; he gets a car that was being paid  
15 for by Danny -- he testified to that -- he gets a  
16 place to live and lay low when he's in Atlanta and  
17 he gets a job. He gets all these things. There's  
18 an enormous benefit that goes well beyond the cash  
19 that he took out of the box, and I think that's  
20 important here.

21 So going back to Mr. Patel's choices, he  
22 lays low for four months and he makes another  
23 choice. He goes back to Chicago, and he keeps  
24 doing the same thing. And again, when you pull up  
25 in front of a house, you're doing the same thing,

1 you see another old woman come out of the house  
2 with a box, you know exactly what's going on. You  
3 know you're doing the same thing again, and he  
4 chose to keep doing it. He picked a side, and he  
5 picked a side over and over again, and that shows  
6 what side he picked. So to come here at  
7 sentencing, to come here today, and say I'm not a  
8 part of this; of course, you're a part of this; you  
9 chose to be a part of this over and over again; and  
10 the question here today is as having chosen to be a  
11 part of this, what should be the consequences?

12 So defense counsel talked briefly about  
13 the cost of incarceration, and I'd say a couple  
14 things about this. First, as she said, Mr. Patel  
15 wants to go back to India. Deportation now is  
16 rewarding this behavior. It's the opposite of  
17 deterrence, right? It's if you go over, you get  
18 caught, you get sent back, you're fine, no big  
19 deal, we're going to cut you loose. That's a  
20 problem. That's a huge deterrence problem to have  
21 that -- to take that approach.

22 And the other side of this is if a U.S.  
23 citizen were here and did these same acts, he or  
24 she would go to prison and go to prison for a long  
25 time, and there's a question about whether we're --

1       whether we're treating Patel better than an  
2       American who would have committed the same acts if  
3       we are not giving him the same prison sentence.

4           So let's talk about the other side of the  
5       victims, and, Judge, I was going to read the victim  
6       impact statements, but you already have so I won't.  
7       Given their age and their geographic distance, it  
8       was difficult to get them here for trial, let alone  
9       back for sentencing. One thing we received -- we  
10      received that second victim impact statement  
11      yesterday, and the reason is because that victim,  
12      her phone doesn't receive calls. She turned it off  
13      so she can only make calls and can't receive calls.  
14      She doesn't trust people. It's a great irony in  
15      these cases that we, as prosecutors, and agents, as  
16      law enforcement, just deal with incredible  
17      roadblocks in reaching victims because they don't  
18      trust anybody who comes to them saying that they're  
19      law enforcement. They don't take phone calls.  
20      They don't answer the door because they have lost  
21      trust in the society around them.

22           So the victims -- you read the numbers,  
23      you read the victim impact statement. Victim V.L.  
24      was a retired nurse, she moved from Arizona to  
25      Indiana, and was staying at the assisted living

1 facility there at Christina House. She lost over  
2 \$300,000. Victim K.E. in Merrill, Wisconsin, she  
3 worked at a 3M plant for many years and then hung  
4 wallpaper before retiring. She lost a lot of  
5 money. Victim V.B. was a SIUE physics professor,  
6 she was chair of the physics department, who lived  
7 in Edwardsville, and the impact on these  
8 individuals, it goes far beyond financial. It's  
9 the psychological impact of what this scheme did to  
10 them.

11 The conspirators carefully isolated them  
12 by staying on the phone all the time, by making  
13 sure they didn't tell anybody, by threatening them  
14 with prosecution of their friends and family if  
15 they did tell them what was going on, by having  
16 them drive all over the place to use these Bitcoin  
17 machines.

18 One thing I find very telling in this case  
19 is only one of the three victims was able to figure  
20 out how to use a Bitcoin machine, and that's why  
21 folks like Mr. Patel are so essential to this  
22 scheme's success. At the end of the text messages  
23 with the Edwardsville victim, she says a few things  
24 that I think are very telling of her mindset at  
25 that point. She says, "I'd be better off behind

1 bars." She says, "I'm home and not looking forward  
2 to anything." That's where she was at; and when  
3 her daughter sent that victim impact statement, she  
4 said, "It's hard to convey what has been lost as  
5 the scam precipitated her total loss of self." I  
6 think that accurately summarizes the impact of this  
7 scam on these victims. It's hard to -- it's hard  
8 to put into words. It's enormous.

9 So Section 3553(a) entrusts this Court to  
10 impose a sentence that reflects the seriousness of  
11 the offense and its impact on the victims to  
12 community, and there is just no doubt that that  
13 calls for an above-guideline sentence here.

14 Section 3553(a) also instructs the Court  
15 to look at deterrence and the need to protect the  
16 public from future crimes, and I lay this out in  
17 the memo, so I'll be brief, but I'd cite an  
18 article, it's called, "Imposter Scams" by Professor  
19 Freeman, where he describes these imposter scams as  
20 public enemy number one. This is the most common  
21 type of consumer fraud against Americans surpassing  
22 even identity theft now, and this is only going to  
23 increase more as baby boomers retire, age and  
24 become more susceptible to these type of schemes.  
25 It's not a surprise that this has taken off just as

1 baby boomers hit their 70s and 80s. There's an  
2 enormous jump if you look at the FTC data at 2014  
3 and 2015 and this is just sky rocketing. And why?  
4 Because you have more victims with easy access  
5 through the Internet and through phones to be  
6 scammed like this. In 2024 alone, the FTC received  
7 845,806 reports about imposter scams. That's  
8 people like these victims. As I said in the memo,  
9 that's filling Busch Stadium 19 days in a row, and  
10 that's just one year.

11 THE COURT: Which the Cardinals can't do  
12 this year.

13 MR. REED: Which the Cardinals can't do  
14 this season. Perhaps I should've just used Notre  
15 Dame stadium and said nine or ten days, but it's  
16 just an incredible number, 845,000, \$2.95  
17 billion in fraud -- billion dollars in fraud  
18 annually, just incredible numbers; and this is the  
19 kind of case where deterrence, this makes a huge  
20 difference; even a little bit would make a big  
21 difference; and there's reasons, I think, to think  
22 here that deterrence is particularly important.

23 And, again, this is laid out in the  
24 sentencing memo, but what you need here is a choke  
25 point. A choke point for this scheme is people on

1       the ground in the U.S. It's easy to scam someone  
2       from India, but it's a lot harder to get the money  
3       if there's not someone not here willing to take it  
4       out of their hands. We know that from what we saw  
5       here. Only one of the victims was able to figure  
6       out how to use the Bitcoin machine. The other two,  
7       they needed someone they trusted to go to their  
8       house, look them in the eye, and take their money  
9       from them. That person was the defendant here; and  
10      if we can prevent the next Nirav Patel from being  
11      willing to engage in this scam through deterrence,  
12      that's a huge, huge deal when it comes to  
13      protecting victims.

14                  There's good reason to think that that  
15      choke point is important. We can see that here.  
16      They're necessary to the scheme's success, as I  
17      just said. They're a scarce resource. Patel was  
18      covering a three-state range: Wisconsin, Indiana,  
19      all the way down here to St. Louis. It's a 240  
20      mile-circle big. It's a big area where they had  
21      one guy. If he wasn't there, they would have  
22      stopped with the Bitcoin.

23                  And I think there's an amplified  
24      deterrence message here. You have a proud  
25      Indian-American immigrant community. If you look

1 at the citations in the footnotes, these cases are  
2 covered closely for that very reason. They all  
3 know and amplify the deterrent message that this  
4 Court wants to send through the media. That's the  
5 way this works. You reach the people who need to  
6 hear it, and you do that through general  
7 deterrence.

8 So for all these reasons, we're asking for  
9 a sentence of 144 months, which is 33 percent above  
10 the guideline range, with 6 months concurrent on  
11 the immigration count. As I said, this is very  
12 similar to Judge Dugan's departure in a similar  
13 case, which was affirmed on appeal, because of the  
14 victim impact.

15 THE COURT: Wasn't his sentence 72 months?

16 MR. REED: It was a different -- it was a  
17 different month number. He varied 40 percent up,  
18 however, Judge; and the guidelines are there for a  
19 reason, right, because the guidelines reflect other  
20 factors in this case that were not present in that  
21 case. Not only a dollar figure but acceptance,  
22 obstruction, and a number of other factors. So a  
23 similar percentage increase here, I think, is more  
24 than warranted for that reason.

25 THE COURT: So Mr. Patel has said in court

1 here today, in open court previously, that he would  
2 be happy to cooperate, to assist the Government in  
3 catching the people that he thinks are more  
4 culpable than he. What would be the procedure,  
5 going forward, if he were to cooperate and provide  
6 substantial assistance?

7 MR. REED: Judge, there was a time for  
8 that and this isn't it. The time for that was two  
9 years ago when he was arrested, and I can tell you  
10 why. There's a finding in the PSR and adopted by  
11 this Court that Mr. Patel took the stand and lied.  
12 He's worthless as a witness. I can't use him. I  
13 can't put someone on the stand who chose to take  
14 the stand, lie to this Court about his own role,  
15 and leading to a finding of obstruction of justice.  
16 I can't use him as a witness, credible witness, in  
17 front of a jury. I wish I could.

18 THE COURT: Counsel?

19 MS. FRETER: I'll pick off with Judge  
20 Dugan's case. I think that citing to this Court  
21 the idea that under certain circumstances it is not  
22 error to go above -- or a certain percentage above  
23 a guideline sentence is fine; but as this Court  
24 knows, each case has its own specific things and  
25 that, as the Government just said, the factors in

1       this case, vulnerable victim, substantial hardship,  
2       those are baked into these guidelines where maybe  
3       they weren't in Judge Dugan's case, but those  
4       considerations are already baked in, and that's the  
5       amount of loss. That's why the guidelines are  
6       high.

7                  In terms of a deterrent, 87 to 108 months  
8       is the guideline sentence. That is a significant  
9       time in the Bureau of Prisons, it's not a slap on  
10      wrist, it's not probation, it's not *you did your*  
11      *two years in the county jail; go back to india.*  
12      That's a lot of time. Even a 60-month sentence,  
13      five years, is a substantial time.

14                 In term of a deterrence, the perception  
15       that people who, quote/unquote, "commit white  
16       collar crime" just get probation or they go to *club*  
17       *fed* or something like that, that's not Mr. Patel's  
18       situation. He's not going to be -- based on the  
19       amount of loss and all of the circumstances, you  
20       know, a guideline sentence is significant, it's not  
21       minimal, and because the circumstances of this case  
22       as they relate to Mr. Patel are baked into the  
23       guidelines, a 30 percent above-guideline sentence  
24       is -- based on the idea that these scams hurt  
25       people, which they do -- crime hurts people. We

1 have the death penalty as a deterrent; still, we  
2 have murders. I mean, it's -- a prison sentence in  
3 BOP, under all of these circumstances, even a  
4 guideline sentence, is significant. It is a  
5 specific and general deterrent, and it reflects the  
6 seriousness of the offense.

7 There is nothing Mr. Patel can do at this  
8 point to make these ladies whole. The harm is  
9 done. It is irreparable. After the sentencing, to  
10 the extent that the Government wanted to listen to  
11 him, he would be able to talk to them, which might  
12 make him feel better, but, you know, his  
13 information is stale; and as the Government said,  
14 they can't use him as a witness. Any search  
15 warrant would have to give -- would have to include  
16 that there's been an obstruction finding based on  
17 that, so it hurts them in terms of future  
18 prosecution. Not to say that they couldn't use the  
19 information to do something, but it's unlikely to  
20 result in a sentencing Rule 35 or other matter.

21 So again we ask the Court to, as it always  
22 does, consider Mr. Patel and the 3553(a) factors as  
23 they relate to him and his specific circumstances  
24 and his specific factors in sentencing.

25 THE COURT: Mr. Patel, I've given you a

1 chance to address the Court; and from the  
2 beginning, you've maintained your innocence. From  
3 the beginning, you've told me that you were,  
4 essentially, an unwitting participant in this.  
5 That's a lie. You were on the cell phone  
6 constantly telling the scammers where you were,  
7 sending them pictures of what your MapQuest was  
8 showing, where you were, how much longer. When you  
9 picked up the money, you sent photos showing that  
10 you picked up the money, lots of money, gold bars.

11 Now, these scammers had this incredibly  
12 sophisticated plan, and what you want me to believe  
13 is they're going to take some down-on-his-luck  
14 impoverished guy and say drive there, pick up all  
15 this cash and then don't flee with it; don't say,  
16 hell, I'm going to drive to California, I don't  
17 have to give it to these people. They knew you so  
18 well that once you sent them pictures that you had  
19 the money, they didn't ask you are you en route  
20 back to give us the money, they didn't ask you show  
21 us where you are, show us you're going to Chicago  
22 as opposed to Miami Beach. You knew where to go.  
23 There's no communication to say show up at this  
24 address and give it to the guy wearing a brown hat.  
25 You knew exactly where to go, you knew exactly who

1 to give it to, and when you were asked about all  
2 that, you were purposely evasive.

3 Your comment to your cousin Danny is  
4 telling. You didn't want to do the package stuff  
5 because that's the guy that gets caught, that's the  
6 guy that gets left holding the bag. You did it  
7 anyway. You made repeated references to your sick  
8 mother and your family, and I think it's reasonable  
9 to conclude that you had the expectation that the  
10 people in India were going to be providing money to  
11 your spouse to pay for your children, to pay for  
12 your mom's surgery, and, ironically, they have  
13 abandoned you. They have abandoned you, and so  
14 they have scammed you like you scammed these  
15 victims.

16 You know who these people are, and you  
17 knew who the victims were to be, and you knew how  
18 vulnerable they were, and you didn't care. You  
19 asked me for mercy that you did not extend to these  
20 poor people.

21 No, sir. You were allowed to address the  
22 Court. You have sent me letters. We are beyond  
23 that stage. For the record, he was raising his  
24 hand wanting to speak.

25 There's a lot of truth to the Government's

1 argument that these very sophisticated,  
2 international scams need one thing for them to pull  
3 it off, to be successful, they needed the guys like  
4 you. I will go hundreds of miles, pick up the  
5 money, I will drive it back to god knows where to  
6 give it to the people who are part of this scam.  
7 You're not going to give all that money to a  
8 stranger, because, if you were, you would have just  
9 kept it yourself. So the fact that your fellow  
10 conspirators have abandoned you and, no doubt,  
11 laugh that poor Nirav has to pay the price when  
12 they got all the money, but you're going to have to  
13 pay the price.

14 I find the Government's recommendation of  
15 144 months appropriate. I'm going to sentence you  
16 to prison for 144 months on Counts 1, 2, 3 and 4.  
17 Those terms will run concurrent with each other.  
18 With respect to Count 5, I'll impose a term of  
19 three months, but I will run that concurrent with  
20 the sentence for Counts 1 through 4. I'm not going  
21 to impose any supervised release because I  
22 anticipate you will be deported to India upon  
23 serving your time in prison. I am not going to  
24 impose a fine. I am going to order a restitution  
25 in the total amount of \$438,916.66, and I'm going

1 to order that you pay a special assessment of \$100  
2 on counts -- each count of 1 through 4 and a \$10  
3 assessment on Count 5 for a total guideline -- a  
4 total special assessment of \$410.

5 This is a terrible crime, and that's the  
6 problem with being part of a conspiracy. When  
7 you're part of this conspiracy, you're responsible  
8 for the worst part of it. If this is were a bank  
9 robbery and you said I'll be the escape driver,  
10 I'll wait out in the car, if one of your  
11 conspirators shoots the bank teller and kills her,  
12 that's the felony murder rule. You can be charged  
13 with her murder because you were part of a crime.

14 This is -- it's a tough sentence. I  
15 understand that. It's a tough sentence for a very  
16 terrible crime.

17 You have the right to appeal your  
18 conviction. You have the right to appeal your  
19 sentence if you believe it was illegally or  
20 incorrectly imposed. You can appeal your  
21 conviction -- I'm sorry. Any notice of appeal must  
22 be filed within 14 days of the entry of a judgment  
23 or within 14 days of the filing of a notice of  
24 appeal by the Government. If requested, the clerk  
25 will prepare and file a notice of appeal on your

1 behalf. If you cannot afford to pay the cost of an  
2 appeal or for appellate counsel, you have the right  
3 to apply for leave to appeal *in forma pauperis*.  
4 That means that your financial situation is such  
5 that you don't have the money to pay for an appeal,  
6 and it would be unfair to try to force you to come  
7 up with money to vindicate your rights. On appeal,  
8 -- I'm sorry. You can apply for leave to file  
9 appeal *in forma pauperis*, which means you can apply  
10 to have the Court waive the filing fee. On appeal  
11 you may also apply for court-appointed counsel.

12 This is a sentence in which you lose just  
13 about everything, but it's the sentence you imposed  
14 on the victims of this crime.

15 So anything else for the Government?

16 MR. REED: No, Judge.

17 THE COURT: Anything else for defense?

18 MS. FRETER: No, Your Honor.

19 THE COURT: Oh, there is a pending Madison  
20 County case. Do we have any understanding of  
21 what's going to happen because --

22 MR. REED: I will alert Madison County of  
23 the sentencing today.

24 THE COURT: All right. Because this -- it  
25 arises out of the charges -- I mean, it's the same

1 set of circumstances that was part of the  
2 case-in-chief presented in this case.

3 MR. REED: Yes, sir.

4 THE COURT: Anything else for the  
5 defendant?

6 MS. FRETER: No, Your Honor.

7 THE COURT: It's a sad day for you,  
8 Mr. Patel, I understand that, but it is a just  
9 result.

10 (Proceedings adjourned at 11:37 a.m.)

11

12 \* \* \* \* \*

13

14 CERTIFICATE OF COURT REPORTER

15

16 I, Erin M. Materkowsky, hereby certify that  
17 the foregoing is a true and correct transcript from  
18 reported proceedings in the above-entitled matter.

19

20 /s/ Erin M. Materkowsky Date: 6/20/2025  
21 ERIN M. MATERKOWSKI, RPR, CRR  
Official Court Reporter  
Southern District of Illinois  
22 East St. Louis Division  
23  
24  
25